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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,904	09/24/2003	Steven J. Harrington	D/A2455	5767
37211	7590	01/29/2007	EXAMINER	
BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526			TRAN, TUYETLIEN T	
			ART UNIT	PAPER NUMBER
			2179	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/29/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,904	HARRINGTON, STEVEN J.	
	Examiner TuyetLien (Lien) T. Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/06/2006 has been entered.

### ***Claim Objections***

2. Claims 1 is objected to because of the minor informalities.

Claim 1 recites the term "the third icon associated with the first opened document" in step (f) of the claim; it should be written as "the third icon associated with the third opened document". Appropriate correction is required.

It is the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites “maintaining an appearance of the second icon when the first icon is placed onto the second icon” and “maintaining an appearance of the second icon when the third icon is placed onto the second icon” in steps (d) and (h) respectively. However, there is no description in the specification to support the above-mentioned limitations.

Claim 23 is rejected as incorporating the deficiencies of claim 1 upon which it depends.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Czerwinski et al. (Pub No. US 2004/0066414 A1, hereinafter Czerwinski).

*As to independent claim 1*, Czerwinski discloses:

A method for managing a plurality of opened documents being displayed on an electronic desktop of an electronic device (i.e., a method for managing software application windows such as word processing program, see [0007] and [0003]), an opened document being an application invoked created area on the electronic desktop of the electronic device (i.e., each instantiated program is represented as one or more graphical windows displayed on the desktop

portion such as control tiles 118, 120, 122, 124 corresponding to the instantiated programs 106, 108, 110, 112, see [0035] and [0036]), comprising:

- (a) selecting a first icon associated with a first opened document being displayed on the electronic desktop of the electronic device (i.e., selecting item 118, see Fig. 2A and [0037]);
- (b) placing the first icon associated with the first opened document onto a second icon associated with a second opened document (e.g., placing item 118 onto item 120; note that a user can utilize traditional drag and drop functionality to select and group control tiles, see Fig. 2A and [0037]);
- (c) modifying an appearance of the first icon associated with the first opened document to represent a portion of a virtual pile of opened documents when the first icon associated with the first opened document is placed onto the second icon associated with the second opened document (i.e., icon 118 is transformed into icon 126, see Fig. 2A);
- (d) maintaining an appearance of the second icon when the first icon is placed onto the second icon (i.e., icon 120, see Fig. 2B).
- (e) selecting a third icon associated with a third opened document being displayed on the electronic desktop of the electronic device (e.g., selecting icon 124, see Fig. 3 and [0037]);
- (f) placing the third icon associated with the first opened document onto the second icon associated with the second opened document (e.g., placing item 124 onto item 120 which is included in group 126, see Fig. 4 and [0038]);
- (g) modifying an appearance of the third icon associated with the third opened document to represent a portion of the virtual pile of opened documents when the third icon associated with the third opened document is placed onto the second icon associated with the second opened document (e.g., see item 140 in Fig. 7); and

(h) maintaining the appearance of the second icon when the third icon is placed onto the second icon (e.g., the appearance of the item 120 as part of group 144 is maintained, see Fig. 7).

*As to claim 23*, Czerwinski teaches further comprising:

(i) providing information regarding an opened document in the virtual pile, when a mouse-over event is initiated upon the icon in the virtual pile representing the opened document (e.g., see Fig. 8 and [0046]).

### ***Response to Arguments***

7. Applicant's arguments filed 12/06/06 have been fully considered but they are not persuasive.

- Applicant's argument that the Czerwinski fails to teach or anticipate modifying an appearance of the first icon associated with the first opened document to represent a portion of a virtual pile of opened documents when the first icon associated with the first opened document is placed onto the second icon associated with the second opened document and maintaining an appearance of the second icon when the first icon is placed onto the second icon (see remark page 6, Para 3).

The Examiner respectfully disagrees.

Czerwinski does teach modifying an appearance of the first icon associated with the first opened document to represent a portion of a virtual pile of opened documents when the first icon associated with the first opened document is placed onto the second icon associated with the second opened document and maintaining an appearance of the second icon when the first icon is placed onto the second icon (it is clearly that the appearance of icon 118 is now changed

from icon 118 as shown in Fig. 1 into icon 126 as shown in Fig. 2B; and the appearance of icon 120 is maintained as shown in Fig. 2B).

- Applicant's argument that the Czerwinski fails to teach or anticipate modifying an appearance of the third icon associated with the third opened document to represent a portion of a virtual pile of opened documents when the third icon associated with the third opened document is placed onto the second icon associated with the second opened document and maintaining an appearance of the second icon when the first icon is placed onto the second icon (see remark page 6, Para 4).

The Examiner respectfully disagrees.

Czerwinski does teach modifying an appearance of the third icon associated with the third opened document to represent a portion of a virtual pile of opened documents when the third icon associated with the third opened document is placed onto the second icon associated with the second opened document and maintaining an appearance of the second icon when the first icon is placed onto the second icon (it is clearly that the appearance of icon 124 is now changed from icon 124 as shown in Fig. 3 into icon 140 as shown in Fig. 7; and the appearance of icon 120 is maintained in icon 142 as shown in Fig. 7 and Fig. 2B).

### ***Conclusion***

***Examiner's note:*** Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T  
1/16/2007

Lien Tran  
Examiner  
Art Unit 2179

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